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Web server through a network, voice synthesis means for extracting the banner advertisement data from Web page data received from the Web server, and converting the extracted banner advertisement data into voice by voice synthesis to utter the extracted banner advertisement data, and display means for displaying the Web page data received from the Web server. The Web page data transmission means constitutes the Web page data comprising content data and banner advertisement data in response to the Web server receiving a Uniform Resource Locator from the user terminal.

A second exemplary embodiment of the claimed invention, as defined by, for example, independent claim 4, is directed to a user terminal for uttering received advertisement data with voice. The user terminal includes communication means for performing data communication with a Web server through a network, Web page browsing means for receiving Web page data offered by the Web server to browse the Web page data, the Web page data comprising contents data and banner advertising data, voice synthesis means for extracting the banner advertisement data from the received Web page data and converting the banner advertisement data into voice by voice synthesis to utter the extracted banner advertisement data, and display means for displaying the Web page data received from the Web server. The communication means transmits a voice synthesis operation setting that indicates an operating status of the voice synthesis means, and the Web page data includes the banner advertising data only when the voice synthesis operation setting indicates that the voice synthesis means is operable.

Conventional Web-based advertisement systems have provided Web page data with banner advertisements having a large image which consumes a large amount of space of the viewing area of a Web browser. This is particularly a problem with devices having small display. The space available for the content to be displayed by a small display may be consumed entirely by an image in the banner advertisement.

In stark contrast, an exemplary embodiment of the present invention provides a Web server includes a Web page data transmission means for constituting Web page data comprising contents data and banner advertisement data and voice synthesis means for extracting the banner advertisement data from Web page data received from the Web server, and converting the extracted banner advertisement data into voice by voice synthesis to utter the extracted banner advertisement data. In this manner, an information offerer may separately manage the banner advertisement from the content data, and the Web page data is

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only generated upon a reception by the Web server of a Uniform Resource Locator. Thus, the Web page data remains consistently updated with the banner advertisement data. (Page 5, lines 17 – 24).

Further, another exemplary embodiment of the present invention provides a user terminal that transmits a setting that indicates the operating status of a voice synthesizer and that the Web page data includes the banner advertising data only when the setting indicates that the voice synthesizer is operational. In this manner, whether the Web page data includes the banner advertising data or not is determined based upon the current operating status of the voice synthesizer.

## **II. THE 35 U.S.C. § 112, FIRST PARAGRAPH REJECTION**

The Examiner alleges that claims 4 and 14 are not enabled by the specification. In particular, the Examiner alleges that the claim recitation of “wherein said Web page data comprises said banner advertising data only when said voice synthesis operation setting indicates that said voice synthesis means is operable” is not supported by the specification.

Contrary to the Examiner’s allegation, these features of the claimed invention are clearly support in the specification at, for example, page 7, line 24 – page 8, line 1.

In view of the foregoing, the Examiner is respectfully requested to withdraw this rejection.

## **III. THE PRIOR ART REJECTION**

The Examiner continues to allege that the Leeke et al. reference would have been combined with the Logan et al. reference and further alleges that the Bates et al. reference would have been combined with the Leeke et al. reference and the Logan et al. reference to form the claimed invention. Applicant submits, however, that these references would not have been combined and, even if combined, the combination would not teach or suggest each and every element of the claimed invention.

None of the applied references, nor any combination thereof, teaches or suggests the features of the claimed invention including voice synthesis means for extracting banner advertisement data from Web page data that is received from a Web server as recited by independent claims 1, 4, 6, and 14. As explained above, these features are important for separately managing the banner advertisement data from the content data, ensuring the Web

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page data is consistently updated with current banner advertisement data, and for determining whether the Web page data includes the banner advertisement data at all based upon a current operating status of a voice synthesizer.

The Examiner alleges that the Logan et al. reference discloses a voice synthesis means for extracting banner advertisement data from Web page data that is received from a Web server at column 3, lines 32-41, column 4, lines 66-67, and column 5, lines 1-31. However, contrary to the Examiner's allegation the Logan et al. reference does not teach or suggest these features.

Column 3, lines 32-41 explains that the client CPU 105 may convert the program data stored at 107 into audio form using conventional speech synthesis programs. This portion of the Logan et al. reference does not teach or suggest extracting anything at all, let alone extracting banner advertisement data, extracting banner advertisement data from Web page data, or extracting banner advertisement data from Web page data that is received from a Web server as recited by the claims.

Column 4, lines 66-67 explains that program segments which present advertising is resident in an advertising database 135. This portion of the Logan et al. reference does not teach or suggest extracting anything at all, let alone extracting banner advertisement data, extracting banner advertisement data from Web page data, or extracting banner advertisement data from Web page data that is received from a Web server as recited by the claims.

Column 5, lines 1-15 explains that the program segments stored in the program data library 135 may include audio, text and/or image segments, a sequencing file that includes tags and/or anchors to synchronize programming (lines 1-15). This portion of the Logan et al. reference does not teach or suggest extracting anything at all, let alone extracting banner advertisement data, extracting banner advertisement data from Web page data, or extracting banner advertisement data from Web page data that is received from a Web server as recited by the claims.

Column 5, lines 16-31 explains that information that is received in text form may be converted into audio form by the audio player 103 (client station). This portion of the Logan et al. reference does not teach or suggest extracting anything at all, let alone extracting banner advertisement data, extracting banner advertisement data from Web page data, or extracting banner advertisement data from Web page data that is received from a Web server as recited by the claims.

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Further, by the Examiner's own admission, the Logan et al. reference does not teach or suggest banner advertisement data as recited by the claims at page 6, lines 6-7.

Clearly, contrary to the Examiner's allegation at page 5, lines 1-5 of the October 23, 2006, Office Action, the Logan et al. reference does not teach or suggest voice synthesis means for extracting banner advertisement data from Web page data that is received from a Web server as recited by independent claims 1, 4, 6, and 14.

Indeed, the Logan et al. reference clearly explains that the program data 107 consists of a compilation file 145 that is received via an FTP server, not a Web server. (Col. 5, lines 53-55). The Logan et al. reference does not teach or suggest extracting banner advertisement data from Web page data that is received from a Web server as recited by the claims.

The Leeke et al. reference does not remedy the deficiencies of the Logan et al. reference.

Indeed, even assuming arguendo, that one of ordinary skill in the art would have been motivated as alleged by the Examiner to incorporate the banner advertisements that are disclosed by the Leeke et al. reference "into the Logan (sic) advertising data" as alleged by the Examiner, such a combination would not form the claimed invention.

As explained above, the "advertising data" that is cited by the Examiner and disclosed by the Logan et al. reference is the advertising segment database 135. The Logan et al. reference discloses forming a download compilation file 145 from the program data library 130, which may include the advertising segment data 135, and then transferring that compilation file 145 to the audio player 103 using the FTP server, not a Web server as claimed.

Further, the Logan et al. reference does not teach or suggest forming Web page data from the advertising segments 135.

The Examiner's alleged combination of the Logan et al. reference and the Leeke et al. reference clearly does not teach or suggest the features of the claimed invention including voice synthesis means for extracting banner advertisement data from Web page data that is received from a Web server as recited by independent claims 1, 4, 6, and 14.

The Bates et al. reference does not remedy the deficiencies of the Logan et al. reference and the Leeke et al. reference.

Indeed, the Examiner does not allege that the Bates et al. reference teaches or suggests the features of the claimed invention including voice synthesis means for extracting banner

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advertisement data from Web page data that is received from a Web server as recited by independent claims 1, 4, 6, and 14. Rather, the Examiner only alleges that the combination of the Logan et al. reference and the Lecke et al. reference disclose these features.

Clearly, none of the applied references, nor any combination thereof, teaches or suggests the features of the claimed invention including voice synthesis means for extracting banner advertisement data from Web page data that is received from a Web server as recited by independent claims 1, 4, 6, and 14.

Further, none of the applied references teaches or suggests a user terminal that transmits a setting that indicates the operating status of a voice synthesizer and that the Web page data includes the banner advertising data only when the setting indicates that the voice synthesizer is operational as recited by independent claims 4 and 14.

Indeed, the Examiner does not allege that any of the applied references teach or suggest these features.

Rather, the Examiner merely alleges that:

“an obvious, well known and necessary functionality within a speech synthesis capable apparatus, (such as a cellular phone), would be a means by which to activate and de-activate the speech synthesis capability per the needs and circumstances of different users of the same apparatus, wherein which ability to activate and de-activate the speech synthesis means and the respective status, would clearly and obviously be determinative of any data reliant thereon, as it would be senseless to send data reliant on a voice synthesis means to an apparatus incapable of performing the same.” (Page 5, lines 11 – 20).

These statements by the Examiner are irrelevant to the determination of patentability and appear to rely upon and/or create a *per se* rule of obviousness.

Applicant respectfully cautions the Examiner to review the correct standard for patentability under 35 U.S.C. 103 and to understand that any attempt to apply a *per se* test for obviousness is improper.

In rejecting claims under 35 U.S.C. 103, the Examiner bears the initial burden of establishing a *prima facie* case of obviousness. *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ 1443, 1444 (Fed. Cir. 1992). The Examiner may satisfy this burden by showing that some objective teaching in the prior art or knowledge generally available to one of ordinary skill in the art suggests the claimed subject matter. *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ2d

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1596, 1598 (Fed. Cir. 1988). Only if this initial burden is met does the burden of coming forward with evidence or argument shift to the Applicant. *Oetiker*, 977 F.2d at 1445, 24 USPQ at 1444.

When determining obviousness, "the [E]xaminer can satisfy the burden of showing obviousness of the combination 'only by showing some objective teaching in the prior art or individual to combine the relevant teachings of the references.'" *In re Lee*, 277 F.3d 1338, 1343, 61 USPQ2d 1430, 1434 (Fed. Cir. 2002). "Broad conclusory statements regarding the teaching of multiple references, standing alone, are not 'evidence.'" *In re Dembiczak* 175 F.3d 994, 999, 50 USPQ2d 1614, 1617. "Mere denials and conclusory statements, however, are not sufficient to establish a genuine issue of material fact." *Dembiczak*, 175 F.3d at 999, 50 USPQ2d at 1617.

In this regard, Applicant notes that the Examiner's allegations fail to present a *prima facie* case of obviousness.

"To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations." (M.P.E.P. 2143)

In this instance, the Examiner has failed to present a *prima facie* case of obviousness by failing to provide any prior art reference that teaches or suggests a user terminal that transmits a setting that indicates the operating status of a voice synthesizer, let alone that the web page includes the banner advertising data only when the setting indicates that the voice synthesizer is operational as recited by independent claims 4 and 14.

Indeed, the Examiner does not even attempt to allege that any of the applied references teach or suggest this feature.

The Examiner has also failed to present a *prima facie* case of obviousness by failing to provide any prior art reference that teaches or suggests Web page data that includes the banner advertising data only when the setting indicates that the voice synthesizer is operational as recited by independent claims 4 and 14.

Again, the Examiner does not even attempt to allege that any of the applied references

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teach or suggest this feature.

Moreover, Applicant submits that these references would not have been combined as alleged by the Examiner. Indeed, the references are directed to completely different matters and problems.

In particular, the Logan et al. reference is concerned with providing a system which utilizes the data transmission capabilities of the Internet to distribute, collect and exchange information in the form of audio recordings (col. 1, lines 29 – 33).

In stark contrast, the Bates et al. reference is concerned with the completely different and unrelated problem of displaying an advertisement on at least a portion of a scroll bar such that advertising messages may be conveyed with minimal impact on available space on a computer display. (Col. 2, lines 30 – 36).

In contrast to the Logan et al. reference and the Bates et al. reference, the Leeke et al. reference is concerned with the completely different and unrelated problem of providing personalized content to a user based upon a user profile where playback of the second content is synchronized with the first content. (Abstract).

One of ordinary skill in the art who was concerned with providing a system which utilizes the data transmission capabilities of the Internet to distribute, collect and exchange information in the form of audio recordings as the Logan et al. reference would not have referred to the Bates et al. reference or the Logan et al. reference, and vice-versa, because the Bates et al. reference is concerned with the completely different and unrelated problem of displaying an advertisement on at least a portion of a scroll bar such that advertising messages may be conveyed with minimal impact on available space on a computer display and the Leeke et al. reference is concerned with the completely different and unrelated problem of providing personalized content to a user based upon a user profile where playback of the second content is synchronized with the first content. Thus, these references would not have been combined.

Therefore, the Examiner is respectfully requested to withdraw the rejection of claims 1-20.

#### **IV. FORMAL MATTERS AND CONCLUSION**

In view of the foregoing amendments and remarks, Applicant respectfully submits that claims 1-20, all the claims presently pending in the Application, are patentably distinct

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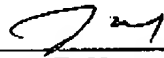
over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the Application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,


Date: 12/26/06

  
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CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that I am filing this Request for Reconsideration by facsimile with the United States Patent and Trademark Office to Examiner Arrienne M. Lezak, Group Art Unit 2143 at fax number (571) 273-8300 this 26<sup>th</sup> day of December, 2006.

  
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